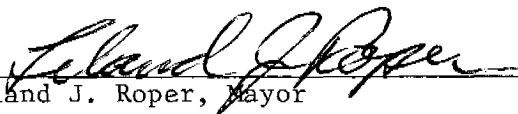


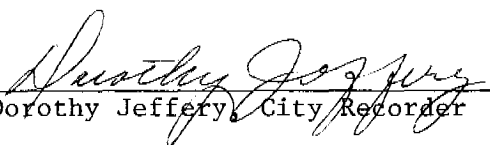
Alan Riding: It's best to utilize the land instead of going up higher.

Are you going to recommend that our neighborhood be zoned for 4 plexes or duplexes?

All of the input from this meeting will be given to the Planning and Zoning Committee.

Mayor Roper asked if there was anything else that needed to be discussed, there being none, the meeting was adjourned at 7:50 p.m.


Leland J. Roper, Mayor


Dorothy Jeffery, City Recorder

MINUTES OF A REGULAR COUNCIL MEETING HELD AUGUST 10, 1981

PRESENT:

Leland J. Roper	Mayor and Presiding
Max Bennett	Councilman
Willis Morrison	Councilman
Thomas Callister	Councilman
Don Bird	Councilman
Cecil Losee	Councilman

ABSENT:

None

OTHERS PRESENT:

Neil Forster	Public Works Superintendent
Jay Covington	Acting Secretary
Warren Peterson	City Attorney
John Quick	City Engineer
Tex Searle	Del-Park
Dan Randall	Del-Park
Ed Gifford	Evans Taggart & Co.
Dave Evans	Evans Taggart & Co.
Todd Turner	City Resident
James Jensen	City Resident

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Members of the West Millard Recreation District Board.

Rex Day	Delta Estates
Jim Edwards	P & E Engineering
Bryce Pilling	Delta Estates
Steve Jackson	Attorney for Delta Estates
Bill Garrett	Developer
Roger Stowell	IPP Representative

Mayor Roper, being present, called the meeting to order at 8:10 p.m.

Jay Covington, being present, acted as secretary.

Mayor Roper stated the meeting was a regularly called council meeting and that notice of the time, place and agenda of the meeting had been posted at the principle office of the governing body and had been provided the Millard County Chronicle; the Millard County Gazette and the local radio station KNAK and to each member of the governing body by mailing copies of the Notice and Agenda Two(2) days before to each of them.

MINUTES

The minutes of a regular council meeting held July 27, 1981 were presented to the Council for their approval, Councilman Bird MOVED the minutes be approved without revision. Councilman Callister SECONDED the motion and it received unanimous approval of the council. The council then reviewed the transcript of a Public Meeting held August 03, 1981. Mayor Roper explained that because all comments on the proposed zoning ordinance were deemed important to consider the minutes had been written as near verbatim as possible. The council agreed with the Mayor that a list of all recommendations should be made from the transcript and a revised copy of the minutes placed on permanent record. So MOVED by Councilman Callister, SECONDED By Councilman Bennett.

OFF STREET PARKING FOR A PROPOSED MUSIC STORE.

Neil Forster presented the proposal for Joe Mooday. The music store would be located at 100 North 84 West in Delta. The zoning requirement calls for four (4) parking stalls. Superintendent Forster displayed a drawing of the parking stalls and stated that there was ample square footage for the four (4) stalls in the area provided.

Councilman Bird questioned the driveway width requirements as provided in the Fire Ordinance. No one could recall any restrictions pertaining to driveway width in the ordinance, and Councilman Morrison MOVED the City Council approve the Off Street Parking. Councilman Losee SECONDED and the vote was unanimous.

OFF STREET PARKING AND A CONDITIONAL USE PERMIT FOR A MOTOR CYCLE SHOP LOCATED AT 435 WEST 400 NORTH.

Jim Jensen presented a proposal to the council of using two (2) of Dee Church's storage units for a combination motorcycle repair and sales outlet. The off street parking will be a designated area of Dee Church's black top in his storage facility. Mr. Jensen indicated they had Mr. Church's approval for parking in this manner. The number of parking stalls required was discussed and it was decided five (5) were required.

Councilman Morrison expressed concern over the storage units being used as business outlet. There was also concern over Mr. Jensen and Mr. Turner being able to meet

the business requirement of restroom facilities. The council expressed a desire to study the proposal for a week.

Mr. Turner reminded the Council of how hard it was to start a business outlets. Both men told the council they were under a time constraint to begin business operations before the motorcycle racing season started.

Councilman Callister pointed out the possibility of issuing a temporary license until a more adequate facility could be found.

Councilman Bennett expressed concern over the precedent that approving the use would set in future business operations out of storage units. He MOVED that the proposal be tabled until the council could receive recommendations from the City Administrative Staff (Neil Forster, Jay Covington, Warren Peterson) regarding a policy for the operation of businesses out of storage or warehousing facilities.

Councilman Bird SECONDED the motion, and it received a majority vote. There was a question of whether everyone had voted, so the Mayor called for a roll call vote:

Councilman Bird	Yea
Councilman Bennett	Yea
Councilman Callister	Yea
Councilman Morrison	Yea
Councilman Losee	Yea

ESTABLISHING THE 1981-82 PROPERTY TAX MILL LEVY.

Mayor Roper presented to the council his proposal to lower the current mill levy from 19 mills to 13.76 mills. This action would result in property tax revenues of \$67,360 - the same amount as last years mill levy produced. The mayor reminded the Council that because of the revaluation program, the mill could be reduced as stated and still yield the same revenues.

Councilman Bennett expressed concern over the legislature enacting future legislation that would freeze the city's mill levy at the 13.76 level. Mayor Roper presented a letter to the council from the State Attorney General indicating the current revaluation program could have some constitutional problems that might affect its validity.

After some additional discussion, Councilman Bennett MOVED that the City Council adopt resolution #81-43, - Establishing and Setting the Real and Personal Property Tax Mill Levy for the Fiscal Year 1981-82, for property within the jurisdiction of the City of Delta, Utah. The motion was SECONDED by Cecil Losee and the Mayor called a roll call vote:

Councilman Bennett	Yea
Councilman Bird	Yea
Councilman Callister	Yea
Councilman Losee	Yea
Councilman Morrison	Yea

Resolution #81-43 has been signed by Mayor Leland J. Roper, attested by City Recorder, Dorothy Jeffery, and accepted as part of the official records of the City of Delta. Copies of the Resolution #81-43 are on file in the office of the City Recorder for public review.

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COUNCIL'S CONSIDERATION OF A REQUEST FROM THE WEST MILLARD RECREATION DISTRICT BOARD FOR \$10,000.00

Mayor Roper acknowledged the presence of the West Millard Recreation District Board and suggested that the board proceed with its request. Don Morris was voice for the board. He explained that the board would like Delta City to participate in saving the pool from closing. Mr. Morris expressed optimism over the manner in which the pool has been managed since the new board's appointment.

Mr. Morris stated that data collected over a one week period indicated nearly sixty-nine (69) percent of pool users are Delta City residents, while Delta City residents contribute only nineteen (19) percent of the district's property tax revenues. He further told the council that the district board requests Delta City to contribute \$10,000.00 to help pay for past debts. Mr. Morris reminded the Council that out - of - town people who use the pool also spend money in the commercial areas of Delta, creating sales tax revenue.

Councilman Morrison suggested that if the board wanted money from the City is should have been involved in the budget sessions of the City when funds were appropriated for the 1981-82 fiscal year.

At the councils' request, Mr. Morris detailed the percentage of pool usage by other incorporated cities in the recreation district, and their respective contributions in property taxes. He also outlined several additional improvements the pool is undergoing that are designed to increase usage and bring the pool up to standard operation.

Councilman Bennett pointed out that one week of statistics could be misleading. Councilman Callister suggested that the condition of the pool determines its usage.

The district board assured the council that they felt the ultimate goal of the swimming pool is self - sustenance, but that it needed front - end money to get it operating in the black.

mayor Roper reminded the board that the city is currently providing water and sewer services at no charge. He also expressed concern over the legal ramifications of a donation of this type. He suggested the board leave their mill levy at its current level, and that with the revaluation program the increased property valuations would generate the required revenue.

Mr. Morris assured the council that he was open to suggestions on how to raise money.

Councilman Morrison Stated that there were only two (2) organizations in the county capable of providing financial relief of the magnitude the board requested: the Intermountain Power Project and Millard County Government.

Hatch Farnsworth gave the council more specifics on the swimming pool's financial woes.

Mrs. Greenwood suggested that even \$7,500 would go a long way in helping the pool out. She further stated that the board was aware of the City's tight budget constraints.

Attorney Peterson reminded both the Council and the District Board that the "Horizontal Revenue Sharing" or transfer of money from one political subdivision to another is illegal under current Utah Law. Discussion continued on various proposals and points of interest.

The council thanked the Board for their proposal, assured them that they were interested in the continued operation of the swimming pool, promised the board they would study the issue, and excused them.

COUNCIL ADOPTION OF ORDINANCE #81-22 REGARDING ANNEXATION OF DEL-PARK, TEX SEARLE, INTO THE CORPORATE CITY LIMITS

Attorney Peterson had the council review all three (3) annexation ordinances, (Tex Searle, Evans Taggart, Rex Day) explaining that the ordinances were basically the same, but that certain differences regarding water, sewer, and zoning requirements were outlined in each ordinance.

Mayor Roper suggested the council consider the differences, beginning with Tex Searle. Water requirements were discussed. Mayor Roper brought to the council's attention some per unit water requirement figures that the City Engineer had developed.

After some deliberation, Superintendent Forster figured the water requirement to be 3.55 acre feet per acre for the Del-Park annexation. Dan Randall disagreed with the formula John Quick provided, and suggested he old requirement of 3 acre feet per acre be used. There was additional discussion over which formula to use. The amount of water required for annexation was determined to be 28.8 acre feet.

Councilman Morrison MOVED the council adopt as policy Bush and Gudgell's per unit requirements as stated in a July 23, 1981 letter for use in determining water requirements for annexations.

The three (3) acre feet per acre would still be used as a minimum requirement.

Councilman Bennett SECONDED the motion. Councilman Callister asked that the policy also include provision for revision or amendment. His suggestion was agreed on, and the motion received the unanimous approval of the council.

Attorney Peterson continued to outline highlights of the ordinance, particularly the conditions for annexation. Discussion centered on the seven (7) percent land dedication for parks and recreation. The dedication could be made either in land or reasonable cash value.

Dan Randall expressed concern over the seven (7) percent annexation requirement coupled with the ten (10) percent open space requirement for mobile home parks in the mobile home ordinance. The open space provision was read and discussed by those present.

Attorney Peterson continued with his explanation of the annexation ordinance.

Councilman Bennett MOVED the Council adopt ordinance #81-22, providing the annexation of Del-Park into the corporate limits of the City of Delta upon the compliance with the guidelines and standards of the ordinance.

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Councilman Bird SECONDED. A roll call vote was taken as follows:

Councilman Bennett	Yea
Councilman Bird	Yea
Councilman Callister	Yea
Councilman Losee	Yea
Councilman Morrison	Yea

Ordinance #81-22 has been signed by Mayor Leland J. Roper, attested by City Recorder, Dorothey Jeffery, and has been accepted as part of the official records of the City of Delta. Copies of Ordinance #81-22 are on file in the office of the City Recorder.

Ed Gifford asked the council if it would also approve the Del-Park final plat.

Councilman Bird MOVED that approval of the Del-Park final Plan be conditional upon the satisfaction of the City Engineer, City Attorney, and City Administrator, that all conditions and standards have been met.

Councilman Callister SECONDED the motion. The vote was unanimous.

COUNCIL ADOPTION OF ORDINANCE #81-23, REGARDING ANNEXATION OF MEADOW BROOK SOUTH (EVANS TAGGART) INTO THE CORPORATE LIMITS OF THE CITY OF DELTA.

Dave Evans stated that the annexation was for 10.805 acres which would consist of thirteen (13) four plexes and sixteen (16) single family dwellings. There was some discussion on the actual amount of acres that Evans Taggart had officially requested annexation on.

The amount of water required for annexation was determined to be 36.4 acre feet of water.

Attorney Peterson recommended that the seven (7) percentland dedication for Parks and Recreation be made in the form of an escrow account of cash in an amount equal to the value of the required unimproved property. He advised the council to follow Evans Taggart's development master plan in which an adequate park is provided for.

The council expressed concern over not having as a condition for any annexation IPP's financial support for the proposed sewer transmission system.

Councilman Bird MOVED that the council adopt Ordinance #81-23 Providing the annexation of Meadow Brook South into the Corporate Limits of the City of Delta upon compliance with the guidelines and standards of the Ordinance.

Councilman Losee SECONDED the motion and Mayor Roper called for a roll call vote as follows:

Councilman Bennett	Yea
Councilman Bird	Yea
Councilman Callister	Yea
Councilman Losee	Yea
Councilman Morrison	Yea

Ordinance #81-23, has been signed by Mayor Leland J. Roper, attested by City Recorder, Dorothy Jeffery, and accepted as part of the official records of Delta City. Copies of Ordinance #81-23 are on file in the office of the City Recorder for public review.

Mayor Roper suggested the council recess for ten minutes and then continue with the rest of the agenda. His suggestion was accepted and the meeting recessed at 10:40 p.m. and reconvened at 10:55.

COUNCIL ADOPTION OF ORDINANCE #81-24, REGARDING ANNEXATION OF RANCHER MOBILE HOME ESTATES INC. (REX DAY) INTO THE CORPORATE LIMITS OF DELTA CITY

The Council reviewed the development plans to determine whether to take a seven (7) percent land dedication or the escrowed cash amount of the undeveloped land. Discussion centered on the open space being improved to cover the park requirement.

Councilman Morrison suggested it could be advantageous to both the developer and the city to have the park farther South in the development. Mr. Day indicated that the North location was preferable. Mr. Day recommended to the council a system of smaller parks or play grounds for children and one larger park for adult activities. There was additional discussion on public access to the park if it was dedicated to the City.

Mayor Roper reiterated the suggestion to move the park to the South. It was recommended that because the mobile home park was bordered on three (3) side by ditches, the seven (7) percent dedication had to be between those ditches.

The council then recommended that the park be moved to the East end of the mobile home park, adjacent to one of the dedicated streets, thus resolving to a great extent the issue of public access in private property.

The council discussed allowing some of the seven (7) percent dedication to go towards cash value that would be used to improve a smaller park. It was agreed to work out the exact amount of acreage and cost of improvements, and include those figures in an agreement with the City.

The council next discussed how much water to require in the annexation. Councilman Bennett expressed concern that the city would lose its ability to require additional water if, because not all of the annexed land is being developed right away, only the per unit amount was required in the annexation ordinance.

Attorney Peterson assured the council that terms could be included in the Annexation Agreement that would ensure proper amounts of water would be brought into the City with each phase of Rex Day's development, if the requirement was above the original amount specified.

The council therefore decided to require one hundred seventy four (174) acre feet of water.

Sewer requirements were reviewed and discussed as they are written in the ordinance. The requirements specify that Mr. Day's development can be hooked to the existing City sewer system on a temporary basis only, and that within two years he must work out an agreement with himself, IPP, and Delta City for a alternate system of transmitting the effluent to the sewer lagoons.

Councilman Callister MOVED that the Council adopt Ordinance #81-24, providing the annexation of Rancher Mobile Home Estates Inc. into the corporate limits of the City of Delta upon compliance with the guidelines and standards to the ordinance.

Councilman Bennett SECONDED the motion, and Mayor Roper called for a roll call vote as follows:

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Councilman Bennett	Yea
Councilman Bird	Yea
Councilman Callister	Yea
Councilman Losee	Yea
Councilman Morrison	Yea

Ordinance #81-24, has been signed by Mayor Leland J. Roper, attested by City Recorder, Dorothy Jeffery, and accepted as part of the official records of the City of Delta. Copies of Ordinance #81-24, are on file in the office of the City Recorder.

COUNCIL APPROVAL OF A LETTER TO THE COUNTY BUILDING INSPECTOR REGARDING STORAGE UNITS IN THE PROPOSED ANNEXATION AREA.

Bill Garrett explained that his proposed storage units would be located East of town at approximately 1091 East on Highway 50. The Council agreed that there was a need for storage units and that they were compatible with the council's desire for the inclusion of storage units as a permitted use in the highway commercial zone of the proposed zoning ordinance.

Councilman Losee MOVED the council give approval of a letter to the county building inspector recommending the storage units.

Mayor Roper stated that a vote was not required. Off-street parking was discussed and it was felt there was adequate area for the required parking spaces.

The Council agreed to have a letter written to the County Building Inspector recommending the storage units in the proposed area.

COUNCIL APPROVAL OF ORDINANCE #81-21, REGARDING THE GRANTING OF A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A CABLE TELEVISION SYSTEM WITHIN THE CITY OF DELTA

Provisions of the Ordinance were outlined and discussed. The council asked whether the ordinance included a provision for assessing a utility franchise tax to ACTON Cable T.V. Attorney Peterson explained that the proposed utility franchise Tax Ordinance included the Cable. T.V. Franchise in its definition of a utilities company.

Councilman Losee MOVED that the council adopt ordinance number 81-21, granting a franchise to construct, maintain, and operate a Cable Television system to ACTON Cable T.V.

Councilman Morrison SECONDED the motion, and Mayor Roper called for a roll call vote as follows:

Councilman Bennett	Yea
Councilman Bird	Yea
Councilman Callister	Yea
Councilman Losee	Yea
Councilman Morrison	Yea

Ordinance #81-25 has been signed by Mayor Leland J. Roper, attested by City Recorder, Dorothy Jeffery, and accepted as part of the official records of the City of Delta. Copies of Ordinance #81-25, are on file in the office of the City Recorder,

ESTABLISH A PUBLIC HEARING DATE FOR PROPOSED ANNEXATION OF DELTA INDUSTRIAL PARK INTO THE CORPORATE CITY LIMITS OF DELTA CITY.

The council suggested that a date be set with the condition that the policy declaration be in place before publication of that date.

Attorney Peterson stated that twenty (20) days notice was required and that the nearest Monday from August 20th (the date suggested that would give the developer time to prepare a policy declaration) would be September 14, 1981.

Councilman Bennett MOVED that the above date be set with the above condition so stipulated.

COUNCIL APPROVAL OF ACCOUNTS PAYABLE.

The Accounts Payable for the month of August were presented to the council. After reviewing the account payable, Councilman Losee MOVED the accounts payable as presented be paid. Councilman Bird SECONDED and the vote was unanimous in the affirmative.


OTHER BUSINESS

Mayor Roper presented a letter to the council from Zions First National Bank requesting an extension of the temporary permit for a trailer located on their property. The trailer will be used for storage. The requested extension was for one year.

Councilman Callister stated that he felt a full year was too long and suggested an extension of ninety (90) days. He so MOVED. Councilman Morrison SECONDED and the voting was unanimous in the affirmative.

Mayor Roper asked if there was any further business or comments. There being none, Councilman Bennett MOVED the meeting be adjourned. Councilman Losee SECONDED the motion, and the meeting adjourned at 1:05 p.m.


Leland J. Roper, Mayor


Dorothy Jeffery, City Recorder

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